

REMARKS

These remarks are responsive to the non-final Office Action mailed March 23, 2007. Claim 1 has been amended. Claims 1-18 remain pending in this application for examination. Claims 19-30 have canceled without disclaimer as having been non-elected. Reconsideration and allowance of the application is respectfully requested.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 1 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,836,036 to Ivory (hereinafter "Ivory").

Applicant respectfully asserts that Ivory fails to teach each and every feature of pending claim 1. In particular, Ivory fails to teach or suggest a plurality of generally thin support members disposed transversely and laterally across the open area of the frame, wherein the transverse support members overlay the lateral support members to form substantially right angles between the transverse support members and the lateral support members where the lateral and transverse support members contact each other defining a woven configuration, as recited in claim 1. Rather, Fig. 1 of Ivory clearly illustrates support members do not overlay each other. Further, the support members of Ivory do not contact each other at substantially right angles.

In addition, Ivory fails to teach or suggest tooth cleaning elements secured to and extending outwardly from said support members *along the length of* said support members. Rather, Ivory clearly describes a toothbrush having bristles positioned in *spaced groups* which are surrounded by open flow through areas, as shown in Fig. 1 of Ivory. Accordingly, Applicant respectfully asserts that claim 1 is allowable over Ivory.

Claim 12 depends from claim 1 and is allowable for at least the same reasons recited above and further in view of the additional novel features recited

therein. Accordingly, Applicant respectfully requests withdrawal of this rejection.

In the Office Action, claims 1 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,423,531 to Wall (hereinafter “Wall”).

Claim 1 recites, among other features, “a *toothbrush* comprising a handle, a head sized for an oral cavity and the head mounted to one end of said handle, said head including a cleaning element carrier, a plurality of generally thin support members, *tooth* cleaning elements secured to and extending outwardly from said support members...” (emphasis added).

Applicant respectfully asserts that Wall fails to teach or suggest the features of claim 1. Wall merely describes a hairbrush having a pair of rigid side members and a flexible bristle plate disposed therebetween. (See Abstract).

Wall fails to teach or suggest a toothbrush, as recited in the preamble of claim 1. Further, Wall clearly fails to teach or suggest a cleaning element carrier having *tooth* cleaning elements secured to and extending outwardly from support members and the head of the toothbrush sized for an oral cavity. Accordingly, Applicant respectfully asserts that claim 1 is allowable over Wall.

Claim 12 is allowable for at least the same reasons as described above and further in view of the additional novel features recited therein. Accordingly, Applicants respectfully request withdrawal of this rejection.

Rejections Under 35 U.S.C. § 103

In the Office Action, claims 2 and 8-11 were rejected under 35 U.S.C. § 103(a) as being obvious over Ivory in view of U.S. Patent No. 6,779,851 to Bouchiere (hereinafter “Bouchiere”).

Claims 2 and 8-11 depend from claim 1. The addition of Bouchiere fails to cure the deficiencies of Ivory with respect to claim 1. For instance, neither Ivory nor Bouchiere, alone or in combination, teaches or suggests a plurality of generally thin support members disposed transversely and laterally across the

open area of the frame, wherein the transverse support members overlay the lateral support members to form substantially right angles between the transverse support members and the lateral support members where the lateral and transverse support members contact each other defining a woven configuration, as recited in claim 1. When evaluating patentability under 35 U.S.C. § 103(a), all claim features must be considered, especially when they are missing from the prior art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) (Federal Circuit held a reference did not render the claimed combination obvious because the examiner ignored a claimed feature that was absent from the reference). Accordingly, Applicant respectfully asserts that claims 2 and 8-11, depending from claim 1, are allowable over the applied references.

In the Office Action, claims 3-7 were rejected under 35 U.S.C. § 103(a) as being obvious over Ivory in view of U.S. Patent No. 6,045,649 to Weihrauch (hereinafter "Weihrauch").

Weihrauch fails to overcome the deficiencies of Ivory noted above, since it fails to teach or suggest a plurality of generally thin support members disposed transversely and laterally across the open area of the frame, wherein the transverse support members overlay the lateral support members to form substantially right angles between the transverse support members and the lateral support members where the lateral and transverse support members contact each other defining a woven configuration. Accordingly, Applicant respectfully asserts that claims 3-7 are allowable over the combination of Ivory and Weihrauch.

In the Office Action, claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as being obvious over Ivory in view of U.S. Patent No. 6,219,874 to van Gelder et al. (hereinafter "van Gelder").

The addition of van Gelder fails to cure the deficiencies of Ivory. Namely, neither van Gelder nor Ivory, alone or in combination, teaches or suggests a plurality of generally thin support members disposed transversely and laterally across the open area of the frame, wherein the transverse support members overlay the lateral support members to form substantially right angles between the transverse support members and the lateral support members where the lateral and transverse support members contact each other defining a woven configuration. Accordingly, Applicant respectfully asserts that claims 13 and 14 are allowable.

In the Office Action, claims 15-18 were rejected under 35 U.S.C. § 103(a) as being obvious over Ivory in view of U.S. Patent No. 6,088,870 to Hohlbein (hereinafter "Hohlbein").

Applicant respectfully submits that Hohlbein fails to overcome the deficiencies of Ivory noted above, because it does not appear to teach or suggest a plurality of generally thin support members disposed transversely and laterally across the open area of the frame, wherein the transverse support members overlay the lateral support members to form substantially right angles between the transverse support members and the lateral support members where the lateral and transverse support members contact each other defining a woven configuration. Accordingly, Applicant respectfully asserts that claims 15-18 are allowable over the cited combination of art.

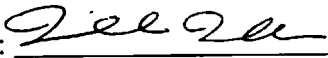
CONCLUSION

It is respectfully submitted that this application is in condition for allowance. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 03-2455.

Respectfully submitted,

Russell

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